

VINDICATION
OF THE
PROCEEDINGS
OF THE
GENTLEMEN
OF THE
Inner-Temple

Quam

Sisapius Patruos tunc, tunc ignoscit
Juvenal.

CAMBRIDGE.

Printed in the Year 1704.

AVINDICATION

OF THE

PROCEEDINGS

OF

GENT

OF

Inner-Temple

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CAMBRIDGE

Printed in the Year 1866

To the Gentlemen of the Inner
Temple, and especially to
his Choycest Friend

DEMOPHILUS.

Dear Demophilus,

I Must ingeniously confesse unto thee,
that these crude Conceptions (and
which perhaps from some Censurers may
have the Epithite of Fanatical) are
alltogether destitute of those common Apolo-
gies, for most Publications. It was not the
irresistable importunity of solliciting Friends
that ravished this Paper from the private
confinement of a Study, and prostituted it to
a publick View. Neither was it a necessary

The Epistle Dedicatory.

obedience to the commands of some Honourable Sir, or Noble Patron, that influenced my pen: Nor yet self-vindication, or the prevention of false and surreptitious Copies, No, I grant Demoph. it is that General Itch of Scribling, that hath set my pen a scratching. And thou shouldest no more wonder that in this Age one should be a Writer, than that a man should have the Plague in a general Infection. Nor could the sence of my own disabilities and infirmities hold my hand, For since the wisest of men hath comprehended all under that diffusive Genus of Vanity, so as the Character of Madnesse and Folly, is as compatible to Aristotles Politicks, as Tom Thumbs. I knew no reason why I might not publish my Follies too, when I had so many precedents for my failings: And in this I thought my self beyond the reach of reprehension, for whosoever would convict me of Folly, must in the same Act condemn himself of Madnesse; since then my phansie prompted me,

me, and my leisure from severer studies gave me an opportunity of employing my pen, I thought it could not better be employed, then in endeavouring a token of my Gratitude and Affection to that Society, and those Gentlemen I am so highly obliged to. I am not so presumptuous as to imagine I can merit any thing from them, the highest my hopes aim at, is, that perhaps this weak sparke may have the Fortune to kindle a Nobler flame, which like the Pillar of Fire to the Israelites, may Light us through this Wildernesse of Confusion and Disorder we now live under, to the happy Canaan of a civil and equitable Government. To use Arguments to perswade a man to engage in this Quarrel, would discommend the Cause, as if the Justice and Gallantry of the Attempt had not Rhetorique enough in it to awake the most Drowsy Spirit. Is it Noble and Honourable to engage for ones Country? Did Humanity and an innate Compassion prompt Moses for to rescue the distressed

Israelite from the insulting Egyptian.
 Hath Shame and Disgrace any influence on a
 Generous Spirit? Then what greater Re-
 nown can be expected, then from a Victory
 over so potent and continually encroaching an
 Enemy? What greater a mercy can we shew
 to our selves and successors, then to restore us
 and them to those Rights and Privileges, Law,
 Nature, and Reason have indulged unto us?
 Nay then we need not blush, as formerly, and
 be forced, when asked what Government we
 live under, either to affect an ignorance, to
 our own disparagement, or forge an Utopian
 plat-form, or else proclaim that sad Truth,
 that in those places where the Laws are studi-
 ed and professed, there is a Government void
 of Law and Reason; Vexations and Oppres-
 sive; Gentlemen; from these hard Inconveni-
 ences you may soon be freed, those benefits you
 may quickly be Blessed with, if you will have
 but as much Affection for your selves, as you
 have had Favour and Patience towards your
 Enemies.

Enemies. Let your Charity fix its self on its proper Centre at home, Trust not the Songs of Sirens, Nor rush into the Armes of those smothering Silens, that kill with their Embraces. What, hath His Majesties Happy Restauration Blessed the whole Kingdom with the Enjoyment of a Hopefull prosperity, and must We alone be Banished from this Felicity? When the Nation is freed by this great Jubilee from a Rump Bondage, must a Rump Parliament be still our Masters? When popular Fury sacrificed it to Revenge, did this Phoenix arise from those Ashes? Methinks when I have been at Westminster, and seen those Traytors Heads, and after return to our own Hall, I suspect my Dreaming phantasie gull'd me, Solicitor Cooke, (or a Solicitor very like him) Bradshaws, Scots, and Iretons, sure they live, nay, they live and rule within our Walls, or else there is Transmutation. For all the Actions of those men, (except their Murthers) are here reiterated,

And the best Account can be given of our
of Court Government, will be from this pa-
rallel, Their Practice is the best Glasse to
Represent our Policicks. Perhaps the sever
Catoes may frown on this truth, and me
for speaking of it; we know Veritas odi-
um parit; but as I was never fond of
their Favour, so I shall not be fearfull of
their Displeasure: For My part I have
passive Ubedience enough to Magazine my
Breast against the severest Censures their
incensed thoughts can frame; 'tis the Duty
I owe to those Noble and Ingenious Per-
sons I have had the Honour to converse
with which hath urged me thus far, and
to suffer for their sakes, I shall rather num-
ber it among my Joyes, then rank it with
my Afflictions, for I have allwayes prized the
Love of my Equals above the favours of my
Superiors. And Dear Demophil I have not
counted it the smallest Benefit, nor the least
part of my Happinesse, that my good genius
hath

hath conducted me into an Acquaintance and Intimacy with you, One whom Nature hath Blessed with Ingenuity, Candor, Fidelity, Prudence, and all those Ingredients requisite to the Composure of a true Friend, and I wish heartily I could give the World a more publick Acknowledgment how much I owe unto you, and though I am something diffident what may be the hard Fortune of this poor Scribble, yet I cannot but be so vain as to applaud myself for wise, in this particular Application of it to you, being one who hath so much Affection for me, as not to be Hypercritical, and hath so large a stock of Wit and Learning, as may patronize it from the Attempts of the strongest Opposers. And then I should be proud of my good Service to the Society, if I were instrumental in bringing so smart a pen as yours to Vindicate their Cause, and this weak Essay would have the Honour to be a foyle to your polite and sinewy tract, and indeed I should rejoyce, that since I have no parts capable

The Epistle Dedicatory:

pable of it, that my imperfections may be serviceable unto you, and give some Testimony of that Gratitude I am ever bound to shew for the Happinesse I am Blessed with, that I can subscribe my self

Your Affectionate

And Hearty Friend,

Publicola Anticlaſſicus.

A

A
VINDICATION
OF THE
PROCEEDINGS
OF THE
GENTLEMEN
OF THE
Inner-Temple, &c.

THat the Church hath had its Persecutors and Opposers we all know; And that the *Temple* should meet with Disturbances and Discomposures none of us should wonder. If the one had her *Convulsions*, we may allow the other an *Ague fit*. But that the *Priests* who live by the *Altar* should

(2)
should extinguish the *Incense*, and demolish the *Altar*, this may lawfully raise our Admiration: And this is our Case. Our *High Priests* and infallible *Popes* are not like those in the *Old Law*, who would strike their *Trident* into the *Pot* and go away contented with their share: But with *Ely's Sons* they cry out, *may Give us all, or we will take it by force*; Rather than they will loose one jot of their Power, the *House* must loose all its peace. I cannot but blush at these things, and heartily wish I had no cause to relate them; every stroke my *Pen* makes gives a scratch in my own breast, and my desires are that I might withdraw my eyes from these things, and going backward cover the nakedness of these men, who are so drunk with their own prosperity, that they cannot forbear reeling into the greatest extravagances. But it is a ridiculous Modesty to hide that themselves make so palpable.

For why should I be ashamed to speak that which they have not bin ashamed to act. The way then to vindicate the *Society* is to seporate the *Innocent Sheep* from the *Gray-bearded Goats*, and lay the Sin at the right door, and then perchance the sence or shame of it may cause Amendment. That the *World* therefore may more plainly see into the justice of our Cause,
I shall

I shall unbowell the whole matter, and show you the naked state of our Business. Our case is truly and impartially thus,

The Gentlemen of the Bench in a Parliament at *Allhallon-tide* last make an *Act* for keeping of *Christmass*, and in order to that choole some of the Noblemen of the House (according to Custome) grand Officers. In the close of the Term the sickle Gentlemen wheel about, and begin to see a vanity in keeping that Festival, and therefore make a thing called an *Act*; whereby they dissolve (for so the words of the *Act* are) the Communs from the Saturday before Saint *Thomas* day, till the Saturday after *Epiphany*. And whosoever comes into Communs in that time is to be expelled the House, and forfeit his Chamber. In the same *Parliament* they make another *Act* (and 'tis pity these two should be parted) whereby it is enacted, That when any one is expelled the House, or put out of Communs, or doth advise any one to go out of Communs, or assist and abet him that is put, or those that do put themselves out of Communs, shall be incapable of being called to the *Bench* or *Barre*, and have what other punishments shall be thought fit to be inflicted on him or them so offending. This being done in the last gasp of the *Term* when there were

(4)
were but few in Commis, and the rest of the
Gentlemen dispersed, they could not have any
opportunitie of redresse. In the *Vacation* the
Gentlemen being stirred up by this Alarum,
meet, and were informed by many grave and
prudent persons, that they had an undoubted
right to keep *Christmase*, which could not be
impeded by any Act of the Bench whatsoe-
ver, and that the Government of the House
did then devolve it self on them, and that the
neglect of this priviledge might prove a great
weakning, if not the utter ruine of it. Upon
these grounds the Gentlemen fixed their reso-
lutions of a *Christmase*. But that they might
proceed with all possible modesty and pru-
dence, they attend upon that Gentleman cal-
led the *Sollicitor*, lay open their Grievance,
inform him of their intentions, and (which
pleased him very much) beseech his advice.
He professed his ignorance of the making
that Act, and the deep resentment He
had of it, heartily wishing he were Master
of so much power as to revoke it, or that
he were so happy as to have had a House in
in the Town fit for our reception, that we
might keep *Christmase* with him. He told
us he had known such Acts as these sometimes
observed, and sometimes rejected, so that
there were Presidents on both sides. These
smooth

smooth words, and this loose way, and not
 prohibiting, we interpreted a tacite consent,
 and close encouragement; so that then (think-
 ing our selves happy in so ingenious and able
 Patron) we put our Resolutions into prac-
 tice, and go on in celebrating that Solemnity.
 But this last Term comming into Communs;
 we soon found what small correspondency
 is in some Persons between their thoughts
 and words, and that cool expressions are of-
 ten attended with actions of another temper;
 for the Master of the Bench did expell one
 Gentleman, and put two out of Communs.
 The rest of the Gentlemen owning the Inte-
 rest of these Heroical persons that suffered for
 their sake, and standing up in the vindication
 of their priviledges, there ensued this Contest
 and clash. And this is the true Original and
 right state of our present Condition. In this
 case I shall first handle it abstractly, and shew
 that the Bench have no Authority that can
 enable them to make such an Act. Second-
 ly, That conceding them such a Power, yet
 taking the whole matter as it is cloathed with
 all the circumstances; this particular Case
 will not be within the reach of that Act. So
 that the penalty inflicted was unjust and ille-
 gal. To prove the first I shall enquire, (and
 think

think my self happy if I meet with a resolution, and turn proselyte to the former) How this superlative Authority came vested in them. All the wayes I can imagine are these three, either by the Nature or constitution of the Society, or by stipulation or pactiō, or else by Custom. But I can find no firm foundation their Government can have on any of these.

And first for the nature of the Society.

For the nature of the Society it is undoubtedly voluntary; for it never was incorporated nay untill King James his time we never had a Grant of the Fabrick, but were merely Tenants at will under the King; And that these were only places of reception for the conveniency of converse and other occasions to those that intended the study of the Law, is evident from the Names of *Inne*,

*Rud. in So-
lenic. ff. de
offic. pro-
cons.*

or *Hospitium*, which is *Domus quae liberaliter & sine prohibitione venienti hospitii patet*. Like to these were the ancient *Hospells* in Cam-

bridge, *Caj. Hister. Cant. pag. 47.* And the Halls in Oxford. And the Gilds

*Sir Hen. Spelman, Glof.
vōce gild.*

or those that associated themselves on a religious account. But none of these Societies were ever presumed

presumed to attempt the imposing of Laws
on their Fellows without their consent; For
indeed what can be more absurd than to ima-
gine, where there is a parity, that the Smal-
ler part can have a Despotical power over the
Greater, and make what Laws they please,
and the other lye under a necessity of obedi-
ence. Nay how frivolous would this Law
(if it can be called a Law) be, when no real
punishment can be inflicted on the Offender;
for he may when he pleases withdraw him-
self, and lawfully bid defiance to that Sta-
ture. So that their Laws will have a different
effect from the Laws of the whole World
beside; For whereas other Laws do (or
should) amend a Common-wealth, ours can
produce nothing but the *Houses* destruction;
for if they are distastfull to us, we may all of
us if we please retreat out of their reach, and
to the society must fall.

But the thing is so clear, that I shall have
more charity than to think any mans judge-
ment so weak as not to grant this Proposition,
That it is impossible for absolute Authority &
Equality to consist in the same Person with
respect to the same Subject. And now I shall
proceed. But first I will remove an Objection
out of my way that I may pass more freely,

'Tis this, some may say those distinctions of *Bench, Barre, and under the Barre*, show a perfect inequality and absolutely destroy the former supposed parity. To this the Answer is plain, These are only distinctions in respect of priority of *time*, and *standing*, not of power and *jurisdiction*. And consequently being only gradual, have not the energy in them as to put such a vast difference between us as that of *Lord and Vassal*, and certainly that transition is too nimble, and the consequence invalid to pass and conclude from a priority in time, a superiority of power and dominion, especially if that old Maxime holds true *Gradus non variat speciem*. But again, those small remains & *vestigia* that we have of what our former Condition was, give light enough to see this fallacy. For the style of all the ancient Orders of the House runs, *the Fellows of the Society of the Inner Temple*, and even at this day their own A&S are so worded, *Be it enacted that none of the Fellows of this House come into Communs at Christmas*. Now I pray what means this Fellowship? wherein consists this *convivia*, this community, &c? What is it only in reverend compliance, and humble submission to all their Masterships commands? an implicate Faith in all their A&S?

Ad: ? If so, it is ill done their Masterships do not undeceive the world, and show them how the doting Philosophers, and *Aleat*, *Enjace*, *Grotius* and those ignorant Lawyers mis-informed them in saying *Socii in sua societate sunt aequales*. And (as being their Servant I am bound) I do humbly advice them out of a tender respect to their good, to do it quickly; for till then many that are only *honest plain men* may think, that the *Puny* of the House being included in that name of *Fellow* as well as the gravest Bencher, ought in the Government of the House, wherein his interest is concerned as much as the other, to have a Fellowship or Community equally with him, and not to have his Purse dispos'd, or his Chamber seized for the breach of an Act, to the making of which he never gave consent, neither by himself nor Representative. And this I think is the true and only notion of the word *Fellow*, except their Masterships take it in the catachrestical sence, as when we say a *proud silly Fellow*, and that is nothing to our purpose.

As for *Stipulation* or *Paction*, that this gave birth to their Power; I think themselves do not affirm it. If they do fix it here, it is necessary they should shew where;
B 2 when,

when, by whom, and upon what ground this Paction was made. For if they do not this, they must pardon us if we be so favourable to our Ancestors, as to think them wiser than to part with their Liberty on a trivial, or no account. But supposing they could prove such a Contract, yet we are out of the reach of it, for the Society being voluntary those Persons could only oblige themselves, and they dying their Paction perished with them. For to impose it on Posterity; what power had they? I am sure the Law of the Land could give them none, they had no Patent to enable them, and to take such a power to themselves I think they could not, certainly it is against the Civil law, *L. ult. de Collegiis, ff.* So that this Compact could have the countenance of no Law, except that of *Solons*, which give liberty to men to make a Society for robbing and plundering *ἐπὶ λείαν ὁρίζου*
Bodin de Rep. l. 3. c. 7.

The whole stress therefore of their Authority is upheld by Custome, but I am afraid we shall find it too weak a support for so large a Power as they have usurpt. For let us look into the nature of Custom, and we shall find it be conversant only about Particulars, and never to dilate it self to an Universality. For
example,

example, such a Town or place hath by a tacite consent of the People time out of mind, used to do such or such a thing, this is lawfull; but who ever heard of such a Place or Person where by Custom they may do what they please. A man by Custom may hunt in my Grounds, but who can imagine a Custom whereby he may do what he will upon my Lands? We shall not deny the *Gentlemen* of the *Bench* what they can rationally pretend to. We are so good Moralists as to have a Reverence for Gray hairs, and give Age its due respect, and God forbid but that they should have priority and precedence, let the *Pharisee* have the first place in the *Synagogue*; Nay let them manage the Affaires of the House. But they must pardon us if we endeavour to stop their Custom when it comes to invade our Purses, and take away our Money without our consent; drive us out of the Society and dis-seize us of our Freehold, disgrace us in the face of the Nation, and injuriously throw us into Prison. That the smaller part of a Society can do these things, and Custom legitimate, it I cannot think: I am sure it is the Opinion of a very learned Man, and no mean *Lawyer*, That for One Person, or the Smaller part of a Society to have a Jurisdic-

tion over the rest, is an absolute destruction of the Society, *Si universos coercendi jus habet, non Collegium sed dominatus in summo principe*, Bod. de Rep. l. 3. c. 7. Nay farther, he shows in this Chapter, That if the Major part or two parts of three should make a Law to oblige themselves to decide all Controversies among themselves, or concerning any thing that reflects on the private interest of the Fellows, it would be insignificant, except it had the consent of every individual Person. Nay these things being against the Law of the Land, that a private Society can by any Custom make them lawfull is a thing impossible, and the attempt of it may make them *Collegium illicitum* an unlawfull Assembly; And this the law of the *xii. Tables* agrees to, where speaking even of Incorporated Societies it sayes, *Pactionem quam velint, sibi ferre, dum ne quid ex publica lege corrumpant*. And again, to make up this Custom there is wanting an *uninterrupted prescription* and *tacite consent*. For there never passed ten, (nay I dare boldly say five, nor three years without a sharp questioning and a loud exclaiming against their *Encroachments*. Nay those small Index's, the remains and ruines of our *shipwrecked Liberties* sufficiently shew, that these things were not
so

to *ab initio*; what means it that the Gentlemen of the *Bar* have a Liberty to come into the *Parliament*, but as it were into *Pythagoras* School, or like *Mutes* attending a *Caball* of *Bashaws*, they must not dare to *whisper*? What do these Persons (the *generality* of whom, are grave and sage men) onely come to see how the *Senators* sit, or to learn to propose a *Question*? I should be apt to believe they had (before *Craft* and the *Ambition* of a sole *Dominion* thrust them out) as free a *Vote* as the best *Bench*; and that which increases my *Suspicion* is, that the fear of this, least any *Noble Spirit* should attempt to snatch at this *lost liberty* makes them never to debate things in the *Parliament*, but in a *clan-*
cular way they agree upon it at the *Bench-*
table, or a *private Chamber*, and when they come to the *Parliament chamber*, the proper place to discuss them, as soon as they are set, the *Treasurer* says, All that are of *Opinion*, that (*suppose it the Question*) the *Author* of this *Pamphlet* shall be *hang'd, drawn and quar-*
tered for his *High Treason* against the *Bench*, let them say, *I*. As soon as the *Eccho* hath answered the *Business* is agreed, and they rise, and so there's an end of an *Inner-*
Temple Parliament. What does the *antient*

Custom of having one of the Bench, one of
the Barre, and one under the Bar to sit upon
the Accounts, but loudly speak the prudence
and care of our *Ancestors* that none of us
should be prejudiced one penny. But what a
vast difference is there between the subtilty of
these daies and the sincerity of those times?
For that *Noble Gentleman* who hath suffered
(how justly all the World speaks) so much,
and bin the *Martyr* of this Cause, had the first
cloud of the *Benches distaste* raised against him
for nought else but asserting this *antient, con-*
stantly practised, and just Custom. Wherein
he did like a good *Phineas* stand in the Gappe,
and made the *Plague* cease for that time. But
their displeasure did not so, but festering into
a rank *Malice*, hath showed it self in the severe-
st way *Anger* and an *high fury* could invent.
Let any man but read *Fortescue*, where he dis-
courseth of the *Innes of Court*, and show me
the least sign of a *Lording Bench* in those daies,
He sayes, *Ibi vix unquam sedicio, iurgium,*
aut murmur resonat, & tamen delinquentes non
alia quam pœnâ solam a communione Societatis suæ
amotione plectuntur, Fortesc. de laud. leg. Ang.
c. 49. Here you see the calm peace of our
Golden age, when *pride* and *ambition* had not
prompted *Men* to engrosse *Power.* There was
then

then no Fining, no Seizing of Chambers, no hurrying to Prison, nor expulsion out of the House, it was only *amotio à communiione Societatis*, it was not *extraſio è Societate*. Thus then it is plain, that the power which the Bench take is only usurpt, for it is contrary to the Nature and Constitution of the Society; It hath no ground on paction or contract, Nor is it in the power of Custome to confirm it, nay as far as we can gueſſe, it is opposite to the more Antient Customs of the House; And consequently, the Acts made by, and grounded on this power, being unjust, illegal, and tyrannical, the breach of them is no offence, and to impose and inflict a punishment for the non-obſeivance of them, is to adde injustice to injustice, and aggravate their Crime.

Thus I have done with the First Part, I shall now proceed to the Second, and shew how that granting them power to make that Act; yet upon the whole matter, the Case will be so circumſtantiated, as to take off the penalty, so that the rigorous prosecuting it, is either wholly unjust, or at the best but *ſum- mum jus*. That this may the better appear, we must look back on the previous Circumstances.

The

The last *Christmas* was Twelve-month we had the Thanks of the Bench for keeping *Christmas*, and that usually sum of Money allowed out of the Treasury given us. At the Parliament on *Althollantide* last, which is the proper Parliament for that Solemnity, they vote a *Christmas*, and give a being to it, by choosing some of the best Persons of Honour of the Society for Grand Officers. Afterwards they stifle that Embrio themselves first formed. Here I shall humbly enquire, Whether the keeping that Festival, or our manner of keeping it, be unfit or undecent, if so, their Masterships were very much to blame to give us thanks last year, and more to blame to have any thoughts to revive it again, as the first Order plainly shews they had. But about the latter end of *November* it was when their eyes were enlightned, and they made this damning Act, where we may observe the time and manner of promulgation of it, which was in the very conclusion of the Term, when few Gentlemen were in Commis, and then it is fixed at the Screen for an hour or two, and so taken (whether for the rarity or the shame of it I know not) and lockt up where we must ne're see it more. Now that such an Act as this, which did contravene

travene a constant Custome, should have
such a clancular surreptitious promulgation
as this, is something strange, for there is very
few of us that know, except it be by report,
that there is such an Act, and none can tell
(having only a reading of it) what Salvo's
may be in it, and what the extent of it is. The
Gentlemen thinking they had as much right
to govern then, as the *Bench* in Term time,
and that an Act of theirs was no more obli-
ging to them in this respect, than an Act of a
Christmas Parliament was to the Bench, and
supposing that rule to be true, *consuetudinem
prescriptam aliâ consuetudine prescriptâ contr a-
ria tolli, gloss. si que in l. nemo s temporalis.*
They resolve on keeping of *Christmas*, and
that they might avoid the Censure of rash-
ness and heat, which is often incident to
youth, they resolve to proceed soberly, and
therefore attend the Solicitor, and informe
him of their proceedings; he gave them his
Answer as I informed you before in the
state of the Businesse; We desired the Keyes,
he refusing them, we were forced to break o-
pen the doors and take possession of our right,
and how the affairs of that time were mana-
ged; how free from disturbance and those in-
conveniences which usually attend such a
confluence

confluence, we leave to those Gentlemen, persons of no mean Quality, that daily honoured us with their Company, to speak impartially. In short then I shall propose this Quære, That when the Gentlemen had thanks for their former *Christmasts*, and that this last *Christmasts* had its beginning from the Bench it self, though afterwards in a close and undermining way they suppress it, so that the Gentlemen could not have a legal redress then, notwithstanding that they proceeded in vindicating their *Privileges* with all moderation, they go to the Solicitor, he giving them no absolute prohibition, they execute their intentions, but with such quietnesse and freedom from disorder, as might from moderate persons have merited Commendations; and having ended that, and put a period sooner then usuall to the Solemnity, that they might not in the least transgresse, they return with calm and composed Spirits into Communs; I say, I should ask any Rational man, whether for these Actions the Gentlemen deserved to have two of them put out of Communs, another not only expelled the House, dispossessed of his Chamber, which is his Free-hold, defamed and disgraced with an industrious Malice, but sent where passion
and

and fury hurries him to Prison, without letting him open his mouth in his own defence, or objecting the least suspicion of Crime, as if that Clause in *Magna Charta*, *Nullus liber homo capiatur vel Imprisonetur*, had some tacite Exception, which excludes a *Gentleman of the Temple* from the benefit of it. Now who can imagine this punishment to be Adequate to the Offence? Who is so blind as not to see a vast disparity between the one and the other? Nay one more conclusion we may lawfully draw from these premisses, which is this, That the Gentlemen of the Bench have a far larger respect and care of their own Grandeur and Honour, then the Credit, Reputation and Peace of the House: For, what else speaks this violence and earnestness? Had they any bowells of compassion or pitty, certainly these dissensions and discomposures would move them? Had they any love or affection for the Society, they could not choole but recede from these punctilio's of Honour, nay even give up some of their power, that there might be a happy composition & an amicable correspondence between us? But I have alwayes observed, that where there is any thing of Honour or Profit, that we must have no share in, that is our *Lords*
and

and Masters. Lat, not fit for Boyes; but if there is any thing of *Danger or Cost*, oh then the *Young Gentlemen* must be consulted with, and of this I will give you own pregnant instance. In the worst times of our late unhappy troubles, Mr. *Johnson* the Minister going to a living in the Country, Mr. *Tombes* comes with a Letter of Commendation from the Committee of Safety to the Bench, to chuse him into the vacant place; It happens they had no Affection for the man, but refuse him they dare not, for fear the *Westminster Juncto* should prove Benchers to them, and serve them as they serve us, to escape the Hornes of this *Dilemma*, they find this expedient: They say, we have but single Votes, it is the *Young Gentlemen* being more numerous, as they please; well, the Gentlemen are called, and Vote, Mr. *Tombes* is exploded, the Benches work is done, and the Gentlemen may set their hearts at rest for any more chusing a Minister, for when he comes really to be chosen, then the Tune is new set; What, Boyes have an Election, do they know how to chuse a Minister, or what belongs to sound Doctrine? Thus you see the kindnesse of these Gentlemen, that in those sullen and captious times, when the least suspition was
enough

enough to have ruined a Man, and there were many of as good, if not better Fortunes than themselves, whom they cared not to sacrifice to those ravenous Times, so they might but escape free themselves. This ungentile, nay I had almost said unhuman Deemeanor, with their generally flight and supercilious Carriage towards us, indeed does something move my choller, but I have patience enough, when I think these Actions are sufficient punishment to themselves, and the Infamy which cleaves to them carries *sting* enough to excuse a *Satyr*.

To conclude therefore I shall give you a short Character of the Government of the House, as stands now, that as you have seen what it ought to be, so now you may see what it is. It is a kind of *Judaical, Presbyterian, Fanatical Regimen*, which favors something of a *Sanhedrim* with the *Nasi*; it hath a huge smack of a *rigid excommunicating Classis* with a *Superintendent*; it smells very strong of a *Rump-Parliament*; it is a Company of *Grave men* to whom supersides a *Judas* or *Treasurer*. The foundation of their Government is *Custom*, by this they have power to make Laws which bind *all* but *themselves*. By Custom Drunkenesse causes neither Sin; nor sickness in a *Bench*.

Bench. By Custom he may sleep at Church, and it is expulsion and forfeiture of *Chamber* for a young student to wake him, and disturb his delightfull Dreams, and all that assist, abet, or counsel him in so horrid an Act are to be put out of Communs. By Custom he is to have at Dinner and Supper four or five Dishes of Meat, and as much good Wine as he can handsomely bear, with a Bottle or two to carry to his Chamber to accomplish the Work, and besides Communs for a Man or two, and all this for *fourteen* or *sixteen shillings* a week, and that to be paid when his Mastership thinks fit; when as the Custom is, That a young Student must pay *nine shillings* a week for Loyns of Mutton, Pottage and Small beer. By Custom he is to have Chambers for him and his Wife; but if she multiply much (and 'tis a discredit to the Society if she don't) if a *Naboth* be the next Wall to this *Ahab* it is but expelling him the House, and begging the *Vineyard*, and so he may enlarge his Quarters. If any of these Customs chance to be questioned, who do you think is the *Judge*? why the *Reverend Butler* is called, and when the *Colossus* is advanced, the mouth of the *Bench* opens, and asks him, *if this hath not been the constant Custom of the House.*

The

The inspired Oracle answers, *I my self can safely swear, 'thas been the Custom for this Forty year, and my Predecessor swore it had been so ere since the Conquerors daies.* Then the charming Orator with a composed Countenance, having ordered his Gown and his Gloves gravely begins thus,

“Open your Eyes (*O ye Lads*) and see the
 “way your *Forefathers* trod in, and cannot
 “you be contented to trot after them? those
 “Worthies hasted upon the *Cariere* of Ho-
 “nor and Admiration in observing those
 “Customs I exhort you to, and will you
 “creep a Foot-pace in that perfect path? Let
 “it never be said that the *Gentlemen* of the
 “*Inner Temp'le*, whose Loyalty to the great
 “Majesty of *Britain* has been so eminently
 “visible should now dishonourably quit
 “their Allegiance to their *Benchers*, who (if
 “that *Topique à Majore ad Minus* be valid)
 “merit Reverence purely Analogical to that
 “of their *Soveraign*? 'tis ill done, 'tis I pro-
 “test, to you to be seen in any thing (though
 “a Trifle) which may revive the Name of
 “*Rebellion*, were it but in Case of a Servant
 “to his Master; but in yours unspeakably fa-
 C cinorous,

"cinorous, better the greatest extravagances
 "better *Plum-pottage on a Candlemas day*, bet-
 "ter any thing *cast into your Dish*, than Disobe-
 "dience, that's the *Colloquintida* that spoyles
 "all the Messe, that battering Ram that de-
 "molishes the fairest Fortifications your o-
 "ther Endowments have at any time erect-
 "ed. Methinks (*Gentlemen*) your own In-
 "genuity should prompt you to a timely
 "Submission; methinks the *black*, the *red*,
 "the *grey hairs* of their Reverend *Masterships*
 "of the *Bench*, should have enough of *Trope*
 "in them to perswade yon to it. 1. The
 "Black heads they resemble *Pitch*, there is a
 "Noli me tangere written in their Foreheads,
 "touch them not lest you be defiled. 2ly. The
 "Red, and that represents the great Orb of
 "Light, the *Sun*, whom the *Persians* made the
 "singular Object of their Adoration. That
 "Head (if man be *Arbor inversa*) has its
 "Root (be it *Carrott* if you please in *Hea-*
 "ven, and that is high. 3ly. The *white*
 "hoar heads, there's Snow upon them (*Sirs*)
 "there's much of the *Alpes* in them, and let
 "me tell you though their Crowns be white,
 "the embleme of good nature, yet if you
 "submit not the sooner you'l find their Hearts
 of

" of the same complexion with those *Mu-*
 " *sains*, hard and immovable. You would
 " do well to cast your Eyes on the *grainess*
 " of one of your chief Officers, a *Butler* in be-
 " ing, but in bulk a *Beucher*, 'tis his perempto-
 " ry Opinion you are in an error. The *Custom*
 " of the House, *Prescription* before *Adam* pleads
 " against you, your chief Butler sayes so, who
 " is in the Eye of the World a Person of very
 " vast parts, and better able to interpret *Gu-*
 " *stoms* than the *Mahometan Musli* to unriddle
 " the *Alcoran*. He is the *Atlas* that bears up
 " Heaven for you. Infidelity in that Boys
 " teeth that doubt the verity of this Oracle.
 " Proud as you are (Sirs) every of you came
 " behind him when he led you into Com-
 " muns, and why are you grown too good
 " to follow him now? To conclude, the
 " mouths of the *Bench* are still as wide open
 " to feed upon your Cost as in the daies of
 " old; their arms expanded to receive you
 " into favour again: they are content (not-
 " withstanding all your undutifulness) to in-
 " demnifie you all next year, keep *Christmases*
 " with all their Hearts; only they expect
 " you now acknowledge your *Misdemeanors*,
 " & return to your *Flesh pots & Garlique*. But

“ why am I thus prodigal of my Rhetorique
 “ to green rash Heads, who are more effectually
 “ reducible by a Rod than an Oration?
 “ In a word therefore (Sirs) it is a plain Case,
 “ submit your selves, and that quickly too or
 “ we *Benchers* will make you.

Dixi

H I G G I N.

Now what man of Ingenuity had not rather be Author of such a *Speech* than Master of 1000 *l.* But Gentlemen I hope you have so much discretion as to see into the fallacy of such fair words, so much care of your Privileges and Liberty as not to sacrifice them to the will and pleasure of One whom the puffy and aery name of an *Orator* hath so swelled beyond the bounds of Reason or a moderate Ambition, that he vainly fancies it the Duty of ye all to submit to his Dictates, to yield Obedience to all those Laws, the extravagant Capriccio's of an humerous Brain can invent. But the humble advice of your Servant (who hath a desire, though not a correspondent

spondent ability to serve you) is, that where that Reason and Justice bids you submit, let no men be more foreward or ready in Obedience than your selves : and on the contrary, when Pride and Ambition do endeavour to oppresse you, let none show more courage or spirit in asserting a good Cause.

Flectere si nequeo Superos, Acheronta movebo.
Virgil.

FINIS.

Simon Verney
1662